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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DR. LAKSHMI ARUNACHALAM **Plaintiff-Appellant** **v.** **WELLS FARGO BANK, N.A.** **Defendant**	**Case No. 13-1812-RGA**

PLAINTIFF DR. LAKSHMI ARUNACHALAM'S RESPONSE TO COURT'S ORDER OF 11/6/19 (D.I. 67) TO SHOW CAUSE

I, *Pro Se* Plaintiff, Dr. Lakshmi Arunachalam, a 72-year old disabled ethnic female of color, am the **inventor/owner** of a dozen patents on the Internet of Things – Web Apps Displayed on a Web browser, with a priority date of 11/13/95.

A.

DEFENDANT'S ATTORNEYS' MATERIAL MISREPRESENTATION IN SILENCE (AS FRAUD) IN ITS 12/30/19 STATUS REPORT REQUESTING DISMISSAL OF THE ACTION CONSTITUTES FRAUD ON THE COURT, SEDITIOUS ATTACK ON THE CONSTITUTION, PATTERNED BREACH OF SOLEMN OATHS OF OFFICE, OBSTRUCTION OF CONSTITUTIONAL JUSTICE, A CONSTITUTIONAL EMERGENCY.

Defendant's attorneys have been engaged in a **false propaganda of collateral estoppel** from **void Orders** by **financially-conflicted judges**, who did not consider "the entirety of the record"— **Patent Prosecution History** — material *prima facie* evidence that inventor's patent claim terms are **not** indefinite, **nor** patent claims invalid, as falsely alleged by Defendant. ***Aqua***

Products Inc. v. Matal, Fed. Cir. 15-1177 (2017) **voided** these Orders. Judges failed to enforce **GOVERNING Supreme Court precedents**[1] that **a grant is a contract** that cannot be repudiated— the Law of the Case and Supreme Law of the Land — in breach of solemn oaths of office and fiduciary duty/trust. **The Court's Orders in 12-282-RGA/SLR/RGA** are **void, and all Appellate Orders related to that case are VOID, erroneous and fraudulent decisions**.

Defendant(s), attorneys, Courts, PTAB and USDOJ were put on notice of **GOVERNING** Supreme Court precedents and *Aqua Products*. They have remained silent (as fraud) in willful or culpable silence. "Silence" implies knowledge, and an opportunity to act upon it." *Pence v Langdon*, 99 US 578 (1878). Their lack of response is a Default, after being put on notice. Their Silence "comprises their stipulation and confession jointly and severally to acceptance of all statements, terms, declarations, denials and provisions herein as facts, the whole truth, correct and fully binding on all parties." "Upon Default, all matters are settled *res judicata* and *stare decisis*" and Defendant must pay up the royalties long overdue.

B. THE MORE COMMON AN EVIL, THE WORSE IT IS. JUDICIARY AND PTAB'S MISFEASANCE[2] UNDER COLOR OF LAW

[1] ***Fletcher v. Peck***, 10 U.S. 87 (1810); ***Trustees of Dartmouth College v. Woodward,*** 17 U.S. 518 (1819): "**The law of this case is the law of all**… **Lower courts** …**have nothing to act upon**…" "...**applicable to contracts of every description**…vested in the individual; …right...of possessing itself of the property of the individual…for public uses; a right which a magnanimous and just government will never exercise without amply *indemnifying the individual*;" ***Grant v. Raymond***, 31 U.S. 218 (1832): "By entering into public contracts with inventors, the federal government must ensure a "*faithful execution of the solemn promise made by the United States*;" ***U.S. v. American Bell Telephone Company***, 167 U.S. 224 (1897): "*the contract basis for intellectual property rights heightens the federal government's obligations to protect those rights. ...give the federal government "higher rights" to cancel land patents than to cancel patents for inventions*;" ***Ogden v. Saunders***, 25 U.S. 213 (1827) applies the logic of sanctity of contracts and vested rights directly to federal grants of patents under the IP Clause.

[2] Racketeering —By Patterned Breach of Solemn Oath(s) —Treason by ***intentional*** fiduciary breach of duty and public trust (after notice) by ***concerted*** silence as (public and private) fraud, Congressionally ***designed*** in cohort with the Executive USPTO and Judicial Branches of Government dwelling together with Defendant's Attorneys to impair the Contract Clause by subverting the Supremacy Clause of the Constitution to avoid the 'Mandated Prohibition' against

1. COURTS AND PTAB *DISPARATELY* DENIED ME MY PROTECTED RIGHTS TO: DUE PROCESS, IN AN ORCHESTRATED FARCE AND FALSE PROPAGANDA OF A FALSELY ALLEGED COLLATERAL ESTOPPEL[3] FROM VOID ORDERS IN A COLLUSIVE ASSOCIATION-

repudiating Government issued contract grants (of ***any*** kind), by ***collectively*** failing to enforce the Supreme Law of the Land and Case, even after Notice -Why? In order to continue in breach of public contract (and conflicting USPTO mission objective), manufacturing litigation and creating new judgeships by corrupt and erroneous decisions, where the courts have nothing to consider respecting 'The law of all,' as per Chief Justice Marshall in *Dartmouth College*; save, unjust enrichments off of clients; and placed on vested stock holdings of judges refusing to recuse — in **a patently (Manufactured) anti-trust environment**. An Absurdity Allowed, An Infinity Follows, Under Color of Law and Authority. By the USDOJ stating 'A patent is not a contract'; or, can be invalidated by an *alleged* 'Law of the Land' doctrine of 'Collateral Estoppel' (inconsistent with the definition in 'Black's Law Dictionary'), especially, where the Supreme Law of the Land and Case long settled the question that a grant (with all of its containing elements, the patent being one of the same.) is a contract!. A patent is a [consideration element] right proffered — in exchange for the individual rights to an invention for public use after a time certain by grant, if accepted.

All of my cases are one continuum, wherein "a body of men/*women*…actually assembled for the purpose of effecting by force a treasonable object" perpetrated by the three branches of Government, (Judiciary, Legislature and Executive Agency— USPTO/PTAB), in cohort with the Defendant(s), against the inventor and the nation (the United States) and in fiduciary breach of public trust, by stealing my significant inventions – Web Apps Displayed on a Web browser – from which Defendant(s) and the Government are unjustly enriched by trillions of dollars, a sufficient overt act done with treasonable intent. Chief Justice Marshall said that war was actually levied under such circumstances in *U.S. v. Burr*, 25 F. Cas. 55, 161 (CCD, Va. No. 14693). Left unaddressed, leaves the inventor without remedy, promotes antitrust and hurts the economy of the United States, warranting this Court to resolve what all courts have been avoiding, to stop the fraudulent and seditious administration of patent law as a public fraud perpetrated by all three branches of Government, as Solicitees in response to Solicitations by Defendant(s) and their lawyers.

3 "The law will protect an individual who, in the prosecution of a right does everything which the law requires him to do but fails to obtain his right by the misconduct or neglect of a public officer." *Lyle v Arkansas*, 9 Howe 314, 13 L. Ed 153; *Duluth & Iron Range Co. v Roy*, 173 US 587, 19 S. Ct 549, 43 L. Ed 820. "It is a maxim of the law, admitting few if any exceptions, that every duty laid upon a public officer for the benefit of a private person, is enforceable by judicial process." *Butterworth v U.S. ex rel. Hoe*, 112 US 50, 5 S. Ct 25, 28 L. Ed 656. "… "Being fiduciaries, the ordinary rules of evidence are reversed", must obey the law,…" *Butz v. Economou*, (US) 98 S Ct. 2895; *Davis v Passman* (1979, US) 442 US 226, 99 S. Ct. 2264. "It is the settled doctrine of this court that no rights arise on an *ultra vires* contract, even though the contract has been performed; and this conclusion cannot be circumvented by erecting an estoppel which would prevent challenging the legality of a power exercised." *Texas & Pacific Ry v Pottorff*, 291 US 245, 78 L Ed 777], "A transaction originally unlawful cannot be made any better by being ratified." *US v Grossmayer*, 9 Wall 72, 19 L Ed 6 27; "It is held axiomatic that no right, by ratification or other

IN-FACT PROCESS AS SOLICITEES TO SOLICITATIONS BY DEFENDANT(S)/LAWYERS TO AID AND ABET ANTI-TRUST.

The Courts did not consider **material** *prima facie* evidence, and condemned before inquiry, **when claims were unambiguous in view of *prima facie* material intrinsic evidence** of Patent Prosecution History, **never** considered by ***any*** Court in ***any*** of my cases, starting from the very first case, nor examine independent and dependent claims of **any** of my patents nor of my ***virgin*** U.S. Patent Nos. 7,930,340; 8,271,339, ***never*** examined by any court nor re-examined by PTAB.

Even if the claims of my U.S. Patent Nos. 5,987,500; 8,037,158; and 8,108,492 are invalid (which they are **not**), as falsely alleged by Defendant(s) and Judges in an orchestrated farce, those so-called "invalid" claims of the '500, '492 and '158 patents have no effect on the independent or dependent claims of the patents-in-suit. The District Court never reached the patent case.

> "A patent **shall be presumed valid**. Each claim of a patent (whether in independent, dependent, or multiple dependent form) **shall be presumed valid** independently of the validity of other claims; dependent or multiple dependent claims **shall be presumed valid** even though dependent upon an invalid claim." 35 USC § 282.

The very Patent Statute proves Defendant's Status Report requesting Dismissal of this Action with prejudice is ***blatantly* false** and is silent (as fraud) on GOVERNING Supreme Court precedents, delineated in Footnote 1, *supra,* and the change in law (*Arthrex* ruling of 10/31/19 and Inventors Rights Act of 12/18/19). Judge Andrews admitted he had stock in JPMorgan during the pendency

means, can arise out of fraud." 13 C.J. 492, Sec. 440, 6 R.C. L., p 698, *Braun, infra.* "No performance of either side can give the unlawful contract any validity, or be the foundation of any right of action upon it." *Central Transportation Co. v Pullman Palace Car Co.*, 139 US 24.

of that case, 12-282-RGA/SLR/RGA. Supreme Court precedents ***and*** *Aqua Products* **collaterally estop Defendant(s)' false allegations of collateral estoppel from void Orders**.

2. DEFENDANT SILENT (AS FRAUD) ABOUT 10/31/19 *ARTHREX* PRECEDENT WHICH MUST APPLY—PTAB JUDGES UNCONSTITUTIONAL — CHANGE IN LAW.

PTAB judges acting outside of their authority voids all PTAB IPR/CBM rulings. Therefore, the Court's and Defendant's assertion that "the '506 patent was invalidated in PTAB litigation CBM2016-00081" cannot hold. The PTAB decision in CBM2016-00081 is a void Order, first of all because the presiding PTAB Judges Siu and McNamara held direct stock in Microsoft, as per their own Financial Disclosure Statements, and they failed to consider Patent Prosecution History, (which is material *prima facie* evidence that my patent claims are NOT invalid) and GOVERNING Supreme Court Precedents and Federal Circuit's *Aqua Products* ruling that voided all Orders that failed to consider Patent Prosecution History A void Order does not need to be appealed. The Federal Circuit has granted the benefit of the *Arthrex* ruling to other inventors in other cases very recently. Sanofi and many other companies have recently argued that the benefit of the *Arthrex* ruling must apply to ALL inventors. **This Court must at least stay the case until the *Arthrex* ruling plays out in the Supreme Court**. Arthrex has reversed the AIA and *Oil States.*

3. **DEFENDANT SILENT (AS FRAUD) THAT INVENTOR RIGHTS ACT PASSED 12/18/19 BY CONGRESS— GIVES SUBSTANTIAL NEW RIGHTS TO INVENTORS WHO OWN THEIR OWN PATENTS**,

to opt out of PTAB re-exams and recover all profits made by infringers.

4. MEMORANDUM OF PUBLIC CONTRACT AND CONSTITUTIONAL ENTITLEMENTS[4] DENIED FOR WANT OF 'DUE PROCESS' ACCESS UPON THE QUESTION ITSELF.

[4] Courts exerted Constitutionally excessive force, violated human rights, failed to do a "careful balancing" between the individual and governmental interests involved, gagged me**,** ridiculed my speech disability from a concussion/head injury for which I am undergoing treatment at Stanford

Courts made it unreasonably burdensome, downright dangerous, and expensive for Plaintiff to have access to the Court on the question of due process itself.

CONCLUSION: The case cannot be dismissed, as it would be in violation of the Constitution and the Supreme Law of the Land to do so.

A Certificate of Service and my Declaration in support of this brief/Verification are attached.

December 30, 2019 Respectfully submitted,

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Hospital. Instead of protecting the 'Public's trust and interest(s)'; along, with my 'Constitutional Redress Entitlement' regarding the '**erroneous and fraudulent decisions**;' more accurately 'the fraud and corruption of the court' — denying a 'Fair Hearing' (*See Aqua Products* **Opting-out reversal)**. Notwithstanding, the 'Public Contract' Breach of royalties provision (foregone)—along with [t]he entrusted invention— **infringed over to the 'Requesting Defendant corporation(s)'** —in conflicting breach of fiduciary trust; by, PTO's vested representation (in re-exam and appeal) of the infringers, **seeking invalidation 'to avoid paying while retaining' use of the invention for domestic and international (Anti-trust) private use versus public use.** District Court Judge(s) ordered me to amend the complaint to leave out material elements of their own culpability, to drop the RICO charges, and ordered the Defendants to ***not*** answer the complaint and dismissed the complaint without a hearing. "It is currently true that length of time is no bar to a trust clearly established; and in a case where fraud is imputed and proved, length of time ought not, upon principles of eternal justice, to be admitted to repel relief. On the contrary…length of time during which the fraud has been successfully concealed and practiced, is rather an aggravation of the offense, and calls more loudly upon a court of equity to grant ample and decisive relief." *Prevost v Gratz*, 6 Wheat 481, 497; 5 L Ed 311, 315.

VERIFICATION

In accordance with 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

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CERTIFICATE OF SERVICE

I certify that I filed via CM/ECF and caused to be filed on opposing counsel of record and sent two copies of this Brief and any attachments to the Clerk of the Court via the U.S. Post Office Priority Express Mail and via the USPS First Class Mail and email to:

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